THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17179 of 1998

Dated:30.08.2007

Between
G.Hanumantha rao

.....Petitioner

and

1.Regional Mnager and Disciplinary
Authority,Andhra Bank, Berhampur
And another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17179 of 1998

ORDER:

This writ petition has been filed seeking Certiorari to call for the records relating to the order passed by 1st respondent in his file No.691/20/G-2/81 dated 30.09.1997and to quash the same as arbitrary and illegal and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

It appears that the petitioner was appointed as Stenographer on 28.9.1976 in 1st respondent-Andhra Bank. Subsequently he was promoted as a Junior Management Grade-I (1983 batch) on 21.4.1984, further promoted as Middle Management Grade-II on 3.12.1994. While that being so, the petitioner was issued with a charge sheet on 24.9.1996 and proceeded with departmentally. After conducting a detailed enquiry into the matter, the disciplinary authority came to the conclusion that all the charges framed against the petitioner were proved in full, which are grave in nature. Therefore, the petitioner deserves punishment of dismissal from service and as

such

imposed punishment of dismissal from service vide order dated 30.9.1997. Aggrieved by the same, the petitioner carried the matter in appeal before the appellate authority. The appellate authority after perusal of the order passed by the disciplinary authority and the material placed before it, concurred with the findings recorded by the Enquiry Officer and disciplinary authority, confirmed the punishment of dismissal from service imposed on the petitioner and dismissed the appeal.

Aggrieved thereby, the present writ petition is filed.

Learned counsel for the petitioner strenuously contended that the enquiry was not properly conducted and the petitioner was not given any opportunity to defend himself. Even otherwise, absolutely there was no evidence to come to the conclusion that the petitioner was guilty of the charges framed against him. In fact, the charges are as vague as they could be and trivial in nature and there are procedural lapses and no loss is caused to the bank. His further contention is that even assuming that the charges are proved, the punishment of dismissal from service is disproportionate to that of the misconduct.

Learned counsel for the respondents supported the order passed by disciplinary authority as confirmed by the appellate authority and contended that it is false to say that the enquiry was not properly conducted and there was no evidence to come to the conclusion that the charges framed against the petitioner are vague and that there are procedural lapses. He further contended that the charges are grave in nature and the Enquiry Officer and the disciplinary authority after considering the entire evidence came to the conclusion that 26 charges framed against the petitioner are proved. Even if one charge is proved, it is enough to dismiss the petitioner from service. Therefore, no interference can be made by this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the entire material made available on record.

At the out set, I am of the opinion that the charges are

grave in nature and majority of the charges are misappropriation of the funds of the Bank through fraudulent manipulation of accounts of the Bank. May be, there are some charges which show that they are in the nature of procedural lapses. Nothing has been brought to the notice of this Court that a particular piece of evidence was not considered by the Enquiry Officer nor the conclusions reached are contrary to the evidence on record or perverse. I am of the opinion that even as to conducting of enquiry, no specific instances have been brought to the notice of the Court to show that the enquiry conducted by the department is vitiated rendering its invalidation. Under those circumstances, I am of the opinion that the respondents have not committed any error calling for interference of this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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30-08-2007

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